

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

M,A, YAH,) CASE NO. 8:07CV271
)
 Plaintiff,)
)
 v.) MEMORANDUM
) AND ORDER
)
 DEAN MILLER, et al.,)
)
 Defendants.)

This matter is before the court on Plaintiff M, A, Yah's Motion to Extend Time to Amend Complaint (Filing No. 16) and Motion to Return Fees (Filing No. 15). In his Motion to Extend, Plaintiff states that he is currently incarcerated in a facility which does not have a law library and he therefore cannot conduct the research necessary for amending his complaint. (*Id.*) Plaintiff requests an extension until the time that he is transferred to a federal facility "with a proper law library." Since the filing of his Motion to Extend, Plaintiff has indeed been transferred to a federal facility. (Filing Nos. 17 and 19.) This matter has been pending for nearly a year and there is no valid complaint on file. While the court finds that Plaintiff has shown good cause for the requested extension, no further extensions will be permitted. Plaintiff shall have until May 26, 2008, in which to amend his Complaint in accordance with the court's previous orders.

Plaintiff has also filed a Motion to Return Fees. (Filing No. 15.) In his Motion, Plaintiff requests that the court return \$15.77 paid towards the \$350.00 filing fee in this matter. Plaintiff believes that he is entitled to a refund because the court previously "waived" the initial partial filing fee and because Plaintiff's institution was deducting too much money from his account. (*Id.*) The court did not waive the initial partial filing fee. (See Filing No. 10.) Rather, the court permitted Plaintiff to proceed without first paying the

filings fee, but specifically noted that Plaintiff is still obligated to pay the entire \$350.00 filing fee. The court will not "micro manage" the institution's process for deducting funds from Plaintiff's account. Upon review of the records submitted by Plaintiff, the deductions appear to be appropriate. Thus, no refund is necessary at this time.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Extend Time to Amend Complaint (Filing No. 16) is granted. Plaintiff shall have until May 26, 2008, in which to file an amended complaint in accordance with this court's previous orders. **No additional extensions of time will be permitted;**
2. The Clerk of the court is directed to set a pro se case management deadline with the following text: May 26, 2008: Deadline for Plaintiff to file amended complaint; and
3. Plaintiff's Motion to Return Fees (Filing No. 15) is denied. The Clerk of the court is directed to send a copy of the court's previous orders regarding the filing fee (Filing Nos. 7 and 10) to the appropriate official at Plaintiff's current institution.

DATED this 29th day of April, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge